

The House Committee on Governmental Affairs offers the following substitute to HB 781:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 80 of Title 36, Article 1 of Chapter 2 of Title 45, and Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities; general provisions regarding eligibility and qualifications for public office; and general provisions relating to state government, respectively, so as to require that individuals appointed to authorities, boards, councils, and commissions be United States citizens; to provide for other residency requirements; to provide for other qualifications; to provide for exceptions; to provide for definitions; to provide for enforcement; to provide an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities, is amended by revising Code Section 36-80-1, which is designated as reserved, as follows:

"36-80-1.

(a) As used in this Code section, the term:

(1) 'Local governing body' means any political subdivision of this state, including any county, consolidated government, municipality, or other local public body corporate, governmental unit, or political subdivision.

(2) 'Policy' means the establishment of procedures, rules, regulations, or requirements which do not require the approval or review of the appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, no individual shall be appointed to serve on an authority, school district, commission, council, or board for a local governing body which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges unless:

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(1)(A) He or she is a citizen of the United States; and  
(B) He or she has been a legal resident of the State of Georgia for one year  
immediately preceding such appointment; provided, however, that an individual who  
resides in another state in a county of such state that abuts the State of Georgia and who  
is the owner of a business in the State of Georgia of which such individual exercises  
day-to-day executive or operational control shall be eligible. As used in this paragraph,  
the term 'owner' means the direct or indirect ownership of more than 50 percent of the  
assets or stock of a business; or

(2) He or she is an active duty member of the armed forces of the United States or an  
immediate family member of such person.

(c) It shall be the duty of the appointing official or body to ensure compliance with this  
Code section. Reserved."

## SECTION 2.

Article 1 of Chapter 2 of Title 45 of the Official Code of Georgia Annotated, relating to  
general provisions regarding eligibility and qualifications for public office, is amended by  
adding a new Code section to read as follows:

"45-2-10.

(a) As used in this Code section, the term 'policy' means the establishment of procedures,  
rules, regulations, or requirements which do not require the approval or review of the  
appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, in addition to all other qualifications to be  
appointed to serve on any municipal or county board, commission, or authority which  
establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges,  
an individual shall be:

(1)(A) A citizen of the United States; and

(B) A legal resident of the State of Georgia for one year immediately preceding such  
appointment; provided, however, that an individual who resides in another state in a  
county of such state that abuts the State of Georgia and who is the owner of a business  
in the State of Georgia of which such individual exercises day-to-day executive or  
operational control shall be eligible. As used in this paragraph, the term 'owner' means  
the direct or indirect ownership of more than 50 percent of the assets or stock of a  
business; or

(2) He or she is an active duty member of the armed forces of the United States or an  
immediate family member of such person.

(c) Except for ex officio, nonvoting members, in addition to all other qualifications to be  
appointed to serve on any state authority, board, council, or commission which establishes

policy, spends public funds, levies taxes, or imposes or collects fees or charges, an individual shall be a citizen of the United States and a legal resident of this state for four years immediately preceding such appointment."

### **SECTION 3.**

Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relating to state government, is amended by adding a new Code section to read as follows:

"50-1-10.

(a) As used in this Code section, the term 'policy' means the establishment of procedures, rules, regulations, or requirements which do not require the approval or review of the appointing official or body to be implemented.

(b) Except for ex officio, nonvoting members, no individual shall be appointed to serve on a state authority, board, council, or commission which establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges unless he or she is a citizen of the United States and has been a legal resident of this state for four years immediately preceding such appointment or is an active duty member of the armed forces of the United States or an immediate family member of such person. It shall be the duty of the appointing official or body to ensure compliance with this Code section."

### **SECTION 4.**

This Act shall become effective on July 1, 2016, and shall apply to appointments made on or after such date.

### **SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.